

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. 7:13-CV-1159
)	
Plaintiff,)	
)	
vs.)	
)	
\$290,862.52 IN FUNDS SEIZED)	
FROM BANK ACCOUNT XXX3230,)	
IN THE NAME OF CHARLIE'S)	
AUTO SALES WITH PROVIDENT)	
COMMUNITY BANK,)	
)	
Defendant <i>in Rem</i>)	

CONSENT ORDER OF FORFEITURE

This *in rem* forfeiture action was filed on April 30, 2013, concerning \$290,862.52 in Funds (the "Defendant Funds") pursuant to a seizure warrant issued by United States Magistrate Judge Kevin F. McDonald. The Defendant Funds were located in checking account # XXX3230 (the "Subject Account") in the name of Charlie's Auto Sales at Provident Community Bank, 203 West Main Street, Union, South Carolina.

The Government served the known potential claimants, David Walker, Marissa Walker, and their Attorneys, Gregory P. Harris and Pete G. Diamaduros by providing them with actual notice, as set forth in the Notice of Judicial Order, p. 1 of 4

Forfeiture filed with the court on May 3, 2013 (Docket Entry 5). As set forth in the Declaration of Publication filed with the court on July 18, 2013 (Docket Entry 7), and in accordance with Supplemental Rule G(4), Fed.R.Civ.P., notice of this forfeiture action was published on an official internet government forfeiture site, “www.forfeiture.gov”, for at least 30 consecutive days, beginning on May 4, 2013, and ending on June 2, 2013. Any person claiming an interest in the Defendant Currency was required to file a claim within sixty days after the first date of such publication (by July 3, 2013). All time limits for the filing of claims have now expired, with no requests for extensions of such time limits having been requested or granted.

The United States and David and Marisa Walker have reached the following settlement. First, \$210,862.52 of the Defendant Funds are to be returned to the claimants, David and Marisa Walker by the United States issuing an electronic funds transfer payment in that amount to bank account held in the name of “Law Office of Harris and Gasser, LLC”. Second, the balance of the Defendant Funds, to wit, \$80,000, is to be found and held forfeited, condemned, quit-claimed and abandoned to the United States, and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

ORDERED, ADJUDGED, AND DECREED, that:

1. All persons and entities other than David and Marisa Walker claiming any right, title or interest in or to the Defendant Funds are hereby held in default; and default judgment is entered against them.

2. Subject to reduction by any offset through the Treasury Offset Program, the United States Department of Treasury shall return \$210,862.52 of the Defendant Funds to the claimants, David and Marisa Walker by electronic funds transfer payment from the United States to bank account held in the name of "Law Office of Harris and Gasser, LLC".

3. Pursuant to 31 U.S.C. § 5317(c)(2), the balance of the Defendant Funds, to wit, \$80,000, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$80,0000 of the Defendant Funds is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$80,000 of the Defendant Funds are hereby forever foreclosed and barred.

5. The \$80,000 of the Defendant Funds forfeited herein shall be disposed of by the Government in accordance with law.

SO ORDERED this 5th day of August 2013.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

Anderson, South Carolina

August 5, 2013